

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THEODORE JACKSON, JR.	CIVIL ACTION
v.	NO. 20-2842
EDWARD ROSEN, <i>Detective</i>, NICHOLAS COFFIN, MARPLE TOWNSHIP POLICE DEPARTMENT	

ORDER RE MOTION TO DISMISS

AND NOW, this 18th day of March, 2021, after careful consideration of Defendants Edward Rosen and Nicholas Coffin's Motion to Dismiss (ECF 31), Plaintiff Theodore Jackson Jr.'s Response (ECF 35), and Defendants' Reply (ECF 36), and for the reasons stated in the attached memorandum, it is hereby **ORDERED** that:

1. The Second Amended Complaint (ECF 28) is deemed filed.
2. Defendants' Motion to Dismiss is **DENIED** with respect to the following claims.

These are the only claims on which Plaintiff may proceed:

- a. Excessive force claims based on both arrests against both Defendants Rosen and Coffin,
- b. Assault and battery claims based on both arrests against both Defendants Rosen and Coffin,
- c. Fourth Amendment misrepresentations in search warrant claim against Defendant Rosen,
- d. Fourteenth Amendment procedural due process claim against Defendant Rosen, and

- e. Abuse of process claim against Defendant Rosen.
- 3. With respect to all other claims Defendants' Motion is **GRANTED** and the claims are dismissed with prejudice.

BY THE COURT:

s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.

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